

RCRA REVISION CHECKLIST 83

Land Disposal Restrictions for Third Third
Scheduled Wastes; Technical Amendments
56 FR 3864-3928¹
January 31, 1991
(RCRA Cluster I, HSWA Rule)

Note: On June 1, 1990, EPA published regulations promulgating prohibitions on land disposal of the Third Third scheduled hazardous wastes (see Revision Checklist 78; 55 FR 22520). The final rule addressed by this present checklist corrects errors and clarifies the language in the preamble and regulations of the June 1, 1990 final rule. States adopting the Revision Checklist 78 provisions are strongly encouraged to adopt these technical amendments simultaneously, particularly due to the many revisions to 268.41, 268.42, 268.43 and the Part 268 appendices.

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

SUBPART A - GENERAL

DEFINITION OF HAZARDOUS WASTE

add parenthetical
phrase regarding
characteristic wastes,
no longer exhibiting
a characteristic, that
still may be subject
to 268 requirements 261.3(d)(1)

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

GENERAL

insert "used"
after "This
number must be" 261.20(b)

SUBPART D - LISTS OF HAZARDOUS WASTES

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

2 revise description
of F039 261.31(a)

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PART 262 - STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A - GENERAL

HAZARDOUS WASTE DETERMINATION

replace "subpart D of
this part" with
"subpart D of 40 CFR
Part 261"

262.11(c)

SUBPART C - PRE-TRANSPORT REQUIREMENTS

ACCUMULATION TIME

replace "and" between
"section" and "the
requirements" with ";";
add "the requirements
of 40 CFR
268.7(a)(4)"

262.34(d)(4)

PART 268 - LAND DISPOSAL RESTRICTIONS

SUBPART A - GENERAL

DEFINITIONS APPLICABLE IN THIS PART

replace "paragraph
(g)(6)" with
"paragraph (f)"

268.2(d)

insert "wastewaters
are" after "F005"
at beginning of

paragraph

268.2(f)(1)

remove "(as
generated) that" after
"wastewaters"; add
", as generated." at
end of paragraph

268.2(f)(2)

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
replace "Inorganic Solid Debris are" with "Inorganic Solid Debris means"; insert "contaminated with D004-D011 hazardous wastes" after "solids"; insert "; and" after "sieve"; remove the comma and insert "; and, are" after stabilization	268.2(g)				
3 replace periods at the end of each subparagraph with semicolons	268.2(g)(1)-(7)				
WASTE ANALYSIS AND RECORDKEEPING					
replace "or section 268.43 of the part" with "of this part, if a generator's waste is listed in 40 CFR Part 261, Subpart D"; delete "developed"; replace "Appendix I of this part" with "Part 261, Appendix II"; add sentence regarding 268 Appendix IX testing or knowledge of waste to determine if waste exhibiting one or more characteristics is restricted from land disposal	268.7(a)				

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
replace "may" with "must either be included, or"; revise the information that must be included on the notification to include the applicable wastewater or non- wastewater category and waste code sub- division; change "treatment standards appear" to "applicable treatment standard appears"	268.7(a)(1)(ii)				
replace "may" with "must either be included, or"; revise the information that must be included on the notification to include the applicable wastewater or non- wastewater category and waste code sub- division; change "treatment standards appear" to "applicable treatment standard appears"	268.7(a)(2)(i)(B)				

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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
replace "may" with "must either be included, or"; revise the information that must be included on the notification to include the applicable wastewater or non- wastewater category and waste code sub- division; change "treatment standards appear" to "applicable treatment standard appears"	268.7(a)(3)(ii)				
redesignate 268.7(a)(6) as (a)(7); add new paragraph (a)(6) re- garding conditions under which a generator, managing a restricted waste ex- cluded from the definition of hazardous or solid waste, must place a one-time notice containing specified information in the facility's file	268.7(a)(6)				
redesignate old 268.7(a)(6) as 268.7(a)(7); add a sentence stating that the paragraph applies even when charac- teristic is removed prior to disposal or waste is excluded or exempted	268.7(a)(7)				
redesignate old 268.7(a)(7) as 268.8(a)(8)	268.7(a)(8)				

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redesignate old 268.7(a)(8) as 268.7(a)(9)	268.7(a)(9)				
redesignate old 268.7(a)(9) as 268.7(a)(10)	268.7(a)(10)				
replace "may" with "must either be included, or"; revise the information that must be included on the notification to include the applicable wastewater or non- wastewater category and waste code sub- division; change "treatment standards appear" to "applicable treatment standard appears"	268.7(b)(4)(ii)				

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			STATE ANALOG IS:		
FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE
SPECIAL RULES REGARDING WASTES THAT EXHIBIT A CHARACTERISTIC					
replace "each waste code" with "each EPA Hazardous Waste Number (waste code)"; replace "carry a waste code designation" with "carry the waste code"; replace ", and also" with ". In addition, the waste will carry"; replace "waste code designations" with "of the waste codes"; replace "the relevant characteristic." with "a characteristic,"; add exception clause regarding the case when the treatment standard for the waste code in 261, Subpart D is used in lieu of that for 261, Subpart C	268.9(a)				
delete from the notification requirements the "treatability group(s)" and add requirements for the applicable wastewater or non-wastewater category and waste code sub-divisions	268.9(d)(1)(ii)				

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SUBPART C - PROHIBITIONS ON LAND DISPOSAL

WASTE SPECIFIC PROHIBITIONS - FIRST THIRD WASTES

remove Hazardous
Waste Nos. K048,
K049, K050, K051,
K052, and K061
(containing 15% zinc
or greater); retain only
K071 and revise
grammar of paragraph
to reflect a single
waste

268.33(b)

WASTE SPECIFIC PROHIBITIONS - THIRD THIRD WASTES

add in alphanumeric
order: "F002
(1,1,2-trichloroethane),
F005 (benzene), F005
(2-ethoxy ethanol),
F005 (2-nitro-
propane)"; "F025";
"K015 (nonwaste-
waters)"; ", reactive
nonwastewaters)" after
"K046 (wastewaters";
"and (high zinc sub-
category > 15% zinc)"
after "K061 (waste-
waters)"; ", calcium
sulfate nonwaste-
waters)" after "K069
(wastewaters"; and
"P026"; delete:
"(wastewaters)" after
"K083"; "(waste-
waters)" after "P018";
"P109"; and "(waste-
waters)" after "U120"

268.35(a)

RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
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FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
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delete "(nonwaste- waters)" after "P087"; delete "and" after "U151 (nonwastewaters)"; change "inorganic solids debris" to "inorganic solid debris"; change "268.2(a)(7)" to "268.2(g)"		268.35(c)			
add "268.10, 268.11, and" before "268.12"; add language pertain- ing to soil or debris contaminated with mixed radioactive/ hazardous wastes		268.35(d)			
delete "or" before "vitrification"; insert "acid leaching followed by chemical precipitation, or thermal recovery of metals," after "vitrification"		268.35(e)			

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SUBPART D - TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

"Appendix I of this part" is replaced by "Appendix II of Part 261" in the first sentence; "These wastes" replaces the repetition of the waste code numbers; "Appendix I of this part or the test method in appendix II of part 261" is replaced by "40 CFR Part 261, Appendix II, or the test method in Appendix IX of this part" in the second sentence; "value shown in Table CCW" is replaced with "concentrations shown in Table CCWE"

268.40(a)

TREATMENT STANDARDS EXPRESSED AS CONCENTRATIONS IN WASTE EXTRACT

- 1 Table CCWE is revised to read as shown at 56 FR 3880-3884, January 31, 1991; also see explanation of revisions at 56 FR 3868-3869

268.41(a)/
Table CCWE

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		STATE ANALOG IS:			
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TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES					
add "," after "264, subpart O"; change "part 268, subpart C" to "part 268, subpart D,"; insert "a" before "specific HOC."	268.42(a)(2)				
add new paragraph (a)(3); mixture of wastewater (discharge of which is subject to Clean Water Act) and de minimis losses of materials that meet the criteria of D001 ignitable liquids with greater than 10% TOC is subject to Table 1 DEACT treatment standard; de minimis defined	268.42(a)(3)				
revise Table 1 as shown at 56 FR 3884-3885; also see explanation of changes at 56 FR 3869	268.42(a)/Table 1				
revise Table 2 as shown at 56 FR 3885-3891; also see explanation of changes at 56 FR 3869	268.42(a)/Table 2				
revise Table 3 as shown at 56 FR 3891-3892; also see explanation of changes at 56 FR 3869	268.42(a)/Table 3				

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TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS					
revise Table CCW as shown at 56 FR 3892-3911; also see explanation of changes at 56 FR 3869-3870	268.43(a)/Table CCW				
insert "by a footnote in Table CCW" before "in this section"	268.43(c)				
insert "standards" after "treatment"; insert comma after "Part 264, subpart O"; delete "40 CFR" before "part 265"	268.43(c)(1)				
revise paragraph to refer to the treatment or disposal facility	268.43(c)(2)				
revise last sentence so that "detection limits" for the "regulated" organic constituents are achieved	268.43(c)(3)				

APPENDIX IV TO PART 268

ORGANOMETALLIC LAB PACKS

- | | |
|--|-------------|
| 1 revise Appendix IV as
shown at 56 FR 3912;
also see explanation
of changes at
56 FR 3870 | Appendix IV |
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APPENDIX V TO PART 268

ORGANIC LAB PACKS

- 1 revise Appendix V as shown at 56 FR 3912; also see explanation of changes at 56 FR 3870

Appendix V

APPENDIX VII TO PART 268

**TABLE 1. - EFFECTIVE DATES OF SURFACE DISPOSED WASTES (NON-SOIL AND DEBRIS)
REGULATED IN THE LDRs - COMPREHENSIVE**

- 1 revise Appendix VII to reflect two tables rather than one table; Table 1 is shown at 56 FR 3912-3919; also see explanation of changes at 56 FR 3870

Appendix VII/Table 1

**TABLE 2. - SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS FOR
CONTAMINATED SOIL AND DEBRIS (CSD)**

- 1 revise Appendix VII to reflect two tables rather than one table; Table 2 is shown at 56 FR 3919-3920; also see explanation of changes at 56 FR 3870

Appendix VII/Table 2

RCRA REVISION CHECKLIST 83: Land Disposal Restrictions for Third Third
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APPENDIX VIII TO PART 268

NATIONAL CAPACITY LDR VARIANCES FOR UIC WASTES

- 1 revise Appendix VIII
as shown at
56 FR 3920; also see
explanation of
changes at
56 FR 3870

Appendix VIII

APPENDIX IX TO PART 268

EXTRACTION PROCEDURE (EP) TOXICITY TEST METHOD AND STRUCTURAL INTEGRITY
TEST (SW-846, METHOD 1310A)

- 1 add new appendix
which describes an
interim method to
determine whether a
waste exhibits the
characteristic of EP
Toxicity as shown at
56 FR 3920-3927;
also see discussion
at 56 FR 3870-3871

Appendix IX

PART 270 - EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS
WASTE PERMIT PROGRAM

SUBPART D - CHANGES TO PERMIT

PERMIT MODIFICATION AT THE REQUEST OF THE PERMITTEE

add a footnote symbol
to the Class 1

designation at B.1.b. 270.42/Appendix I

1 Note that the volume number on this Federal Register notice is incorrect. It should be 56 rather than 55; 55 was the volume corresponding to 1990.

2 The Federal Register (56 FR 3877) contains a typographical error in the revised description of F039. The reference to "F023" in the parenthetical phrase was inadvertently left out. States should not

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remove "F023" when revising their F039 description.

- ³ The Federal Register (56 FR 3877) incorrectly changes the period at the end of 268.2(g)(8) to a semicolon. States are advised to retain the period because 268.2(g)(8) is the last subparagraph in a series of eight pertaining to various inorganic or metal materials.